

MINUTES
BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

June 12, 2014

The Board of Agriculture, Trade and Consumer Protection met by teleconference on June 12, 2014. The meeting was preceded by public notice as provided by s. 19.84, Stats. Public access to the teleconference was provided by speaker phone at the DATCP offices in Madison, Wisconsin.

Call to Order

Board Chair Andy Diercks called the meeting to order at approximately 3:30 p.m.

Members Present

Michael Dummer, Miranda Leis, Andy Diercks, Mark Schleitwiler, Nicole Hansen, Dennis Badtke, Dean Strauss, Doug Wolf, and John Koepke were present via telephone.

ATCP 127 Direct Marketing (No Call)
(Scope Statement for proposed Emergency Rule)

Sandy Chalmers, Trade and Consumer Protection Division Administrator, and Michelle Reinen, Director of the Bureau of Consumer Protection, asked the Board to approve a scope statement for proposed emergency rule related to ATCP 127.

The proposed emergency rule will modify current direct marketing rules related to telephone solicitations and Wisconsin's No-Call list. The emergency rule will implement 2013 Act 234, which revised s. 100.52 Wis. Stats. and requires DATCP to establish registration requirements for telephone solicitors, including requirements for proof of registration with the Federal Trade Commission (FTC).

An emergency rule is necessary because the statute requires the department to create registration requirements that include proof that telephone solicitors are registered with the FTC and are obtaining the Wisconsin portion of the national do-not-call registry. The statute takes effect August 1, 2014, so the requirements must be adopted into rule by then and there is not time to complete the permanent rulemaking process by that date.

Motion

John Koepke made a motion, seconded by Dean Strauss, to approve the scope statement of emergency rule ATCP 127. Motion approved unanimously.

ATCP 127 Direct Marketing (No Call) (Scope Statement for proposed Permanent Rule)

Sandy Chalmers, Trade and Consumer Protection Division Administrator, and Michelle Reinen, Director of the Bureau of Consumer Protection, asked the Board to approve a scope statement for proposed permanent rule related to ATCP 127.

The no-call registration is widely considered to be one of the state's most popular laws. While the statute was enacted in 2001, the rule took effect at the end of 2002. The law allows residents to register home and mobile phone numbers every two years on the Wisconsin no-call list, requires telephone solicitors to register with the state to obtain the list, and prohibits call from most telemarketers to numbers on that list. DATCP enforces violations of the law. The Federal Trade Commission (FTC) also has a federal do-not-call registry; residents can register their numbers on that list permanently. Telephone solicitors must register with the FTC to receive the list and are prohibited from calling numbers on the list. The FTC and DATCP can enforce violations of the federal do-not-call registry.

2013 Act 234 eliminates the separate Wisconsin do-not-call list as of August 1, 2014. Wisconsin residents will now only sign up on the FTC list and all phone numbers on the existing Wisconsin do-not-call list will be transferred to that list. Under the new state law, telephone solicitors must register with the FTC and obtain and follow the Wisconsin portion of the federal do-not-call list. Solicitors also must continue to register with DATCP, but now will be required to provide proof of registration with the FTC. DATCP will continue to administer and enforce the law.

Under the proposed permanent rule DATCP will modify Subchapter V of ATCP 127, Wis. Admin. Code to implement 2013 Act 234. The rule will establish registration requirements for telephone solicitors, eliminate portions of the rule made obsolete by the statute change, and make other updates needed to the rule.

Motion

Dennis Badtke made a motion, seconded by John Koepke, to approve the scope statement of permanent rule ATCP 127. Motion approved unanimously.

Note: Secretary Ben Brancel requested to move agenda item #4, ATCP 136 Mobile Air Conditioners; Reclaiming or Recycling Refrigerant scope statement, for discussion to the next DATCP board meeting in July. The Board approved.

Adjournment

By unanimous consent, the Board adjourned at approximately 3:40pm

Andy Diercks, Board Chair

Miranda Leis, Secretary